

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JERRY LEE LEWIS,

Plaintiff,

v.

JEROME SWEENEY, BRIAN KOOL,
JOHN KUSSMAUL, MARY TAYLOR,
JEREMY McDANIELS and JARED BARR,

Defendant.

ORDER

13-cv-457-bbc

Plaintiff Jerry Lee Lewis is proceeding to trial in this case on a claim that defendants violated his Eighth Amendment rights by using painful restraints on plaintiff for out-of-cell movement from March 2012 to May 2012. Now, plaintiff has filed a “Motion for Prospective Relief and a Temporary Restraining Order,” which I construe as a motion for a preliminary injunction Fed. R. Civ. P. 65(a). In his motion, plaintiff states that he has been moved into a new cell with “feces caked in the inside of the cell toilet” and that defendants Kussmaul and McDaniels have refused to move plaintiff to a more sanitary cell in retaliation against him for filing this lawsuit.

Ordinarily, a motion for injunctive relief must relate to claims raised in the complaint. The court recognizes an exception to this policy only where it appears that the alleged retaliation would directly, physically impair the plaintiff's ability to prosecute his lawsuit. If plaintiff were to make this showing, I would ask defendants' counsel to look into the

matter and report the circumstances to the court. Here, however plaintiff's complaints of retaliation and unsanitary cell conditions do not relate to his claims of improper use of restraints. If plaintiff wants to raise a claims concerning these allegations, he will have to do so in a separate lawsuit after he exhausts his administrative remedies.

ORDER

IT IS ORDERED that plaintiff Jerry Lee Lewis's motion for preliminary injunction, dkt. #87, is DENIED.

Entered this 19th day of November, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge